

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

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CHARLES TOYER,

Petitioner,

vs.

NEIL TURNER, Warden,

Respondent.  
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CASE NO. 3:15-CV-1990

OPINION & ORDER  
[Resolving Docs. [1](#), [6](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On September 25, 2015, Petitioner Charles Toyer filed a habeas corpus petition under 28 U.S.C. § 2254.<sup>1</sup> On June 30, 2016, Magistrate Judge Parker recommended that the Court dismiss Petitioner Toyer's petition as time-barred.<sup>2</sup> Objections to Magistrate Judge Parker's Report and Recommendation were due by July 14, 2016. Petitioner Toyer has not filed objections to the Report and Recommendation.

The Federal Magistrates Act requires a district court to conduct a de novo review only of those portions of a Report and Recommendation to which the parties have made an objection.<sup>3</sup> Absent objection, a district court may adopt the Report and Recommendation without review.<sup>4</sup>

Because no party has objected to the Report and Recommendation, this Court may adopt the Report and Recommendation without further review. Moreover, having conducted its own review of the petition and record, the Court agrees with the conclusions in the Report and Recommendation.

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<sup>1</sup> Doc. [1](#). Respondent moved to dismiss. Doc. [6](#).

<sup>2</sup> Doc. [8](#).

<sup>3</sup> [28 U.S.C. § 636\(b\)\(1\)](#).

<sup>4</sup> [Thomas v. Arn](#), 474 U.S. 140, 149 (1985); [L.R. 72.3\(b\)](#).

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Accordingly, the Court **ADOPTS** Magistrate Judge Parker's Report and Recommendation and incorporates it fully herein by reference. The Court **DENIES** Petitioner's habeas petition.

IT IS SO ORDERED.

Dated: August 17, 2016

*s/ James S. Gwin*  
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JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE